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INFO OCT-01 SS-14 ISO-00 SAB-01 L-01 DODE-00 PM-03 NSC-05

NSCE-00 SP-02 INR-05 RSC-01 /039 R

66604

DRAFTED BY ARA/PAN:SMBELL:VV

11/26/74 EXT. 21112

APPROVED BY S/AB:AMB. BUNKER

L/ARA:MR. KOZAK

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DESIRED DISTRIBUTION

DOD/ISA, DUSA, JCS

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P 271729Z NOV 74

FM SECSTATE WASHDC

TO AMEMBASSY PANAMA PRIORITY

INFO USCINCSO PRIORITY

GOVERNOR PANCANAL PRIORITY

C O N F I D E N T I A L STATE 261710

LIMDIS

FROM BUNKER FOR THE PRINCIPALS OF THE PANAMA REVIEW COMMITTEE

E.O. 11652: GDS

TAGS: PN, PFOR

SUBJECT: U.S.-PANAMA TREATY NEGOTIATIONS: NEGOTIATING
PROGRAM

I.

1. TO ALLOW TIME FOR PREPARATION OF UNITED STATES POSITIONS
ON TWO ISSUES -- COMPENSATION TO PANAMA AND DISTRIBUTION OF
LAND-WATER-AIRSPACE AREAS -- WHICH ARE SOUNDLY CONSTRUCTED
AND SUSCEPTIBLE OF ACCEPTANCE BY PANAMA, I HAVE PROPOSED AND
PANAMA HAS AGREED THAT THE NEGOTIATING ROUND SCHEDULED FOR
EARLY DECEMBER BE CANCELLED. INSTEAD THE NEGOTIATORS WILL
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MEET IN PANAMA APPROXIMATELY JANUARY 5-15 TO ADDRESS BOTH

ISSUES. WITH THAT SCHEDULE IN MIND I SHOULD LIKE TO COMPLETE OUR PREPARATORY WORK BY DECEMBER 20.

II.

2. I HAVE ALSO PROPOSED, AND PANAMA HAS AGREED IN PRINCIPLE, THAT IN THE INTERIM THE PARTIES PROCEED TO NEGOTIATE A STATUS OF FORCES AGREEMENT IN WASHINGTON AND CONCLUDE IT BEFORE THE JANUARY MEETING.

3. THE SOFA NEGOTIATION WOULD BE UNDERTAKEN BY A REPRESENTATIVE OF THE DEPARTMENT OF DEFENSE AND AMBASSADOR CARLOS LOPEZ GUEVARA, UNDER THE GUIDANCE OF THE DEPUTY U.S. AND PANAMANIAN NEGOTIATORS AND AD REFERENDUM TO THE CHIEF NEGOTIATORS.

4. WITH RESPECT TO THIS NEGOTIATION PANAMA HAS BEEN INFORMED AS FOLLOWS:

A. THE PRINCIPAL WORKING DOCUMENT SHOULD BE THE UNITED STATES' DRAFT SOFA DATED NOVEMBER 1 AS AMENDED BY A MESSAGE OF DECEMBER 8. WE SHALL, OF COURSE, BE WILLING TO CONSIDER ANY SUGGESTION PANAMA MAY HAVE, SINCE THIS IS A NEGOTIATION.

B. WE SHALL NOT BE ABLE, AS PANAMA HAD HOPED, TO EXTRACT THE TECHNICAL DETAILS FROM THE SOFA AND INCORPORATE THEM INTO "REGULATIONS" ISSUED BY THE RESPECTIVE MILITARY COMMANDERS SITTING AS THE "COMBINED BOARD," CHIEFLY BECAUSE SUCH REGULATIONS MIGHT NOT HAVE A SUFFICIENTLY BINDING EFFECT UPON THE TWO GOVERNMENTS. WE SHALL, HOWEVER, BE PREPARED TO NEGOTIATE A ONE OR TWO-PAGE PUBLIC STATEMENT, PERHAPS ALONG THE LINES OF A "THRESHOLD AGREEMENT," WHICH SYNTHESIZES THE PRINCIPAL CONCEPTS IN THE SOFA, TO MEET PANAMA'S DESIRE FOR A VEHICLE BY WHICH TO DISTRACT PUBLIC ATTENTION FROM ITS MORE SPECIFIC COMMITMENTS IN THE SOFA. WE SHALL ALSO BE PREPARED TO MODIFY LANGUAGE IN THE SOFA TO MAKE IT MORE ACCEPTABLE TO PANAMA'S NATIONALISTIC SENSITIVITIES.

C. IT IS UNDERSTOOD THAT THE PARTIES WILL REACH FOR FINAL AGREEMENT ON THE SOFA AND AREA-DISTRIBUTION ISSUES AS A "PACKAGE," SINCE THE RESULTS OF THE NEGOTIATION ON DISTRIBUTION

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OF LAND-WATER-AIRSPACE AREAS, INSOFAR AS THEY RELATE TO AREAS FOR THE USE OF UNITED STATES FORCES IN PANAMA, ARE TO BE APPENDED TO THE SOFA AS AN ANNEX.

D. THE UNITED STATES REMAINS GRATIFIED AT PANAMA'S ASSURANCES THAT IT HAS NO PROBLEMS WITH THE SUBSTANCE OF THE SOFA, ONLY PROBLEMS WITH RESPECT TO STYLE AND "FORMAT."

III.

5. TO ASSIST CANAL AND WASHINGTON AGENCIES IN ARRIVING AT VIABLE UNITED STATES POSITIONS ON THE COMPENSATION AND AREA-DISTRIBUTION ISSUES, I HAVE ASKED THAT MEMBERS OF THE NEGOTIATORS' "SUPPORT GROUP" UNDERTAKE CONSULTATION IN THE CANAL ZONE PROMPTLY.

6 ARRANGEMENTS HAVE BEEN MADE WHEREBY THEY WILL BE ASSISTED, WITH RESPECT TO THE COMPENSATION ISSUE, BY ONE OR TWO OFFICERS WITH FINANCIAL EXPERTISE DRAWN FROM THE STAFF OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT. IN ADDITION I HAVE ASKED THAT THE CHIEF OF THE POLITICAL SECTION OF EMBASSY PANAMA JOIN THE "SUPPORT GROUP" MEMBERS IN THEIR CONSULTATIONS. WITH THE GUIDANCE OF THE CHIEF OF DIPLOMATIC MISSION HE WILL BE ABLE TO PROVIDE NEEDED COUNSEL ON WHAT PANAMA MAY AND MAY NOT BE ABLE TO ACCEPT AT EXTREME LIMITS, GIVEN THE EXIGENCIES OF ITS POLITICAL AND SOCIO-ECONOMIC CIRCUMSTANCES.

IV.

7. AS FOR OUR POSITIONS ON THE TWO ISSUES IMMEDIATELY AT HAND, IT IS CLEAR TO ME THAT THEY MUST BE SUBSTANTIALLY MORE FORTHCOMING THAN THOSE TABLED DURING THE 1970-72 NEGOTIATION.

8. THAT IS SO NOT ONLY FOR TACTICAL REASONS. ALSO, AND MORE IMPORTANTLY, THAT IS BECAUSE WE ARE SEEKING, NOT WHAT WOULD AMOUNT TO A PROTRACTED TRUCE BETWEEN ADVERSARIES BUT, RATHER, AN EQUITABLE AND LONGLASTING PARTNERSHIP BETWEEN PEOPLES WHO ARE BASICALLY FRIENDLY.

9. IN THIS CONNECTION I WOULD NOTE THE PRESIDENTIAL DIRECTIVE
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OF JUNE 10, 1974 (NSDM 257) THAT THE TREATY NEGOTIATION BE CONDUCTED IN THE SPIRIT WHICH UNDERLAY THE NEGOTIATION OF THE "JOINT STATEMENT OF PRINCIPLES." THAT SPIRIT INVOLVED A DEGREE OF MUTUAL TRUST WHICH HAD NOT FOR SOME TIME BEEN PRESENT IN THE UNITED STATES-PANAMA RELATIONSHIP. THE CONTINUATION OF IT HAS BEEN REFLECTED IN THE CONCEPTUAL AGREEMENTS THUS FAR NEGOTIATED. I SHOULD LIKE TO PRESERVE IT.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, PANAMA CANAL TREATY
Control Number: n/a
Copy: SINGLE
Draft Date: 27 NOV 1974
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE261710
Document Source: CORE
Document Unique ID: 00
Drafter: SMBELL:VV
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740344-0838
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t1974116/aaaaafak.tel
Line Count: 162
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN ARA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: boyleja
Review Comment: n/a
Review Content Flags:
Review Date: 18 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <18 SEP 2002 by boyleja>; APPROVED <12 MAR 2003 by boyleja>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: U.S.-PANAMA TREATY NEGOTIATIONS: NEGOTIATING PROGRAM
TAGS: PFOR, PN, US
To: PANAMA
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005